

Judge Eric R. Komitee
U.S. District Court EDNY
225 Cadman Plaza East
Brooklyn, NY 11201

SEP 25 2023

RE: 23-CV-5656, 22-CV-5841

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 25 2023 ★

Dear Judge Komitee:

I withdraw the reconsideration motion filed in 5841 as it is most considering the re-filed complaint in 23-5656. I tried to file a letter withdrawing this motion several times previously, but its "closed" status raised issues in the clerk's office; hopefully this motion by letter will suffice.

I note for the record that the ~~pending motion~~ merits of the reconsideration motions are valid since the Court cannot dismiss a complaint pending an amended complaint or because the 41(g) motion was previously raised in the wrong district and dismissed without consideration of the merits to be refiled in this district.

The only remaining issue is the status of the Rule 41(g) motion on the docket of 22-CV-5841 — I cannot obtain a copy.

The CIPA transcripts filed were declassified and produced to me by the government — so there should be no sealing issue there — but if so, the issue should be properly litigated in the newly filed complaint, 23-5656.

Finally, 23-CV-5656 is ready for discovery. The government should begin producing all records regarding the laptop and its illegal searches forthwith, and the court should order the government to comply in a timely manner.

Respectfully submitted,
9/14/23 Josh Schulte
[Signature]

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